

# LAWS AND REGULATIONS RELATING TO

## Licensure as a Speech -Language Pathologist or Audiologist



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**The statutes and regulations provided in this booklet are an *unofficial* version of the Kentucky Revised Statutes and Kentucky Administrative Regulations and are intended for informational purposes only. The official or certified versions of the Kentucky Revised Statutes and Kentucky Administrative Regulations should be consulted for all matters requiring reliance on the statutory text.**

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# Kentucky Revised Statutes

## **334A.010 Legislative purpose declared.**

It is hereby declared to be a policy of the Commonwealth of Kentucky that, in order to safeguard the public health, safety, and welfare, and to protect the public from being misled by incompetent, unscrupulous, and unauthorized persons, and to protect the public from unprofessional conduct by qualified speech-language pathologists and audiologists, it is necessary to provide regulatory authority over persons offering speech-language pathology and audiology services to the public.

## **334A.020 Definitions for chapter.**

As used in this chapter, unless the context otherwise requires:

(1) "Board" means the Kentucky Board of Speech-Language Pathology and Audiology;

(2) "Person" means any individual, organization, or corporate body, except that only individuals can be licensed under this chapter;

(3) "Speech-language pathologist" means one who practices speech-language pathology. A speech-language pathologist may describe himself to the public by any title or description of services incorporating the words "speech-language pathologist," "speech-language pathology," "speech-language therapy," "speech-language correction," "speech-language correctionist," "speech-language therapist," "speech clinic," "speech clinician," "speech pathologist," "language pathologist," "language pathology," "language therapist," "logopedics," "logopedist," "communicology," "communicologist," "aphasiologist," "voice therapy," "voice therapist," "voice pathology," "voice pathologist," "phoniatrist," "communication disorders," or "verbal therapist";

(4) "The practice of speech pathology" means the application of principles, methods, and procedures for the measurement, testing, audiometric screening, identification, appraisal, determination of prognosis, evaluation, consultation, remediation, counseling, instruction, and research related to the development and disorders of speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor competencies for the purpose of designing and implementing programs for the amelioration of these disorders and conditions. Any representation to the public by title or by description of services, methods, or procedures for the evaluation, counseling, remediation consultation, measurement, testing, audiometric screening, identification, appraisal, instruction, and research of persons diagnosed with conditions or disorders affecting speech, voice, verbal and written language, cognition/communication, or oral and pharyngeal sensori-motor competencies shall be considered to be the practice of speech-language pathology;

(5) "Audiologist" is defined as one who practices audiology. An audiologist may describe himself to the public by any title or description of services incorporating the words "audiologist," "audiology," "audiological," "hearing center," "hearing clinic," "hearing clinician," "hearing therapist," "audiometry," "audiometrist," "audiometrics," "otometry," "otometrist," "aural rehabilitationist," or "hearing conservationist";

(6) "The practice of audiology" means the application of principles, methods, and procedures of measurement, testing, appraisal, prediction, consultation, counseling, and instruction related to hearing and disorders of hearing for the purpose of modifying communicative disorders involving speech, language, auditory behavior, or other aberrant behavior related to hearing loss; planning, directing, conducting, or participating in identification and hearing conservation programs; and habilitative and rehabilitative programs, including hearing aid recommendations and evaluation, auditory training, or speech reading;

(7) "Continuing professional education" in speech-language pathology and audiology consists of planned learning experiences beyond a basic educational program leading to a degree. These experiences are designed to promote knowledge, skills, and attitudes of speech-language pathology and audiology practitioners to enable them to provide professional services in their areas of training that are based on current research and best practices;

(8) "Speech-language pathology assistant" means one who assists in the practice of speech-language pathology only under the supervision and direction of an appropriately qualified supervisor and only within the public school system in the Commonwealth. Any speech pathology services provided without appropriate supervision or outside the public school system shall be deemed to be the unlicensed practice of speech pathology and shall subject the offending party to penalties established pursuant to KRS 334A.990;

(9) "Assisting in the practice of speech pathology" means the provision of certain specific components of a speech or language service program provided by a speech-language pathology assistant under the supervision and direction of an appropriately qualified supervisor.

(a) If the training, supervision, documentation, and planning are appropriate, the following tasks may be delegated to a speech-language pathology assistant:

1. Conduct speech-language and hearing screenings without interpretation following specified screening protocols developed by a speech-language pathologist and audiologist, respectively;
2. Follow documented treatment plans or protocols as prescribed by the supervisor;
3. Document student progress toward meeting established objectives as stated in the treatment plan;
4. Provide direct treatment assistance to identified students under the supervision of the supervisor;
5. Assist with clerical and other related duties as directed by the supervisor;
6. Report to the supervisor about the treatment plan based on a student's performance;
7. Schedule activities, prepare charts, records, graphs, or otherwise display data. This shall not include report generation;
8. Perform simple checks and maintenance of equipment;
9. Participate with the supervisor in research projects, inservice training, and public relations programs;
10. Assist in the development and maintenance of an appropriate schedule for service delivery;
11. Assist in implementing collaborative activities with other professionals;
12. Assist in administering tests for diagnostic evaluations and progress monitoring; and
13. Participate in parent conferences, case conferences, or any interdisciplinary team in consultation with, or in the presence of, the supervisor.

(b) The following activities shall be outside the scope of practice of the speech-language pathology assistant:

1. Performing any activity which violates the code of ethics promulgated by the board by administrative regulation;
2. Interpreting test results, or performing diagnostic evaluations without supervision;
3. Conducting client or family counseling without the recommendation, guidance, and approval of the supervisor;
4. Writing, developing, or modifying a student's individualized treatment plan in any way without the recommendation, guidance, and approval of the supervisor;
5. Treating students without following the individualized treatment plan prepared by the supervisor or without access to supervision;
6. Signing any due process document without the co-signature of the supervisor;
7. Selecting or discharging students;
8. Disclosing clinical or confidential information, either orally or in writing, to anyone not designated by the supervisor;

9. Making referrals for additional services; and  
10. Representing himself or herself as something other than a speech-language pathology assistant;

(10) "Supervisor" means a person who holds a Kentucky license as a speech-language pathologist or who holds Education Professional Standards Board master's level certification as a teacher of exceptional children in the areas of speech and communication disorders as established by administrative regulation;

(11) "Interim license" means a license issued by the board pursuant to KRS 334A.035 to a person for the purpose of completing the supervised postgraduate professional experience required under that section prior to an application for licensure as a speech-language pathologist or a speech-language pathology assistant; and

(12) "Temporary license" means a license that may be issued by the board administrator pursuant to KRS 334A.183 to any applicant who has met all the requirements for permanent licensure in accordance with that section.

**334A.030 License required for speech-language pathology or audiology.**

(1) Licensure shall be granted as a speech-language pathologist, speech-language pathology assistant, or audiologist independently. A person may be licensed in more than one (1) area if he meets the respective qualifications.

(2) No person shall practice or represent himself as a speech-language pathologist, speech-language pathology assistant, or audiologist in this state unless he is licensed in accordance with the provisions of this law.

(3) A licensed speech-language pathology assistant employed by a public school shall receive the same salary and benefits available to certified teachers with Rank III and the corresponding years of experience.

**334A.033 License for speech-language pathology assistant -- Requirements for licensure -- Supervision requirements.**

(1) The board may issue a license to practice as a speech-language pathology assistant under the following conditions:

(a) The practice shall be limited to the public schools and shall be under the supervision of an appropriately qualified supervisor;

(b) The requirements for supervision shall be set forth in administrative regulations promulgated by the board and shall include requirements that:

1. A person holding an interim license as a speech-language pathology assistant shall receive no less than three (3) hours per week of documented direct supervision and three (3) hours per week of indirect supervision from an appropriate supervisor as determined by the board;

2. A person holding a license as a speech-language pathology assistant with less than three (3) years of full-time experience shall receive no less than two (2) hours per week of documented direct supervision and two (2) hours per week of indirect supervision from an appropriate supervisor as determined by the board;

3. A person holding a license as a speech-language pathology assistant with three (3) or more years of full-time experience shall receive no less than one (1) hour per week of documented direct supervision and one (1) hour per week of indirect supervision, unless, in the professional judgment of the supervisor, the ability of the speech-language pathology assistant requires a higher level of supervision in order to avoid compromising the quality of services provided to students; and

4. Supervision shall be adjusted proportionally for less than full-time employment;

(c) An individual shall not supervise or be listed as the supervisor for more than two (2) speech-language pathology assistants; and

(d) The supervisor shall delegate to the assistant the appropriate tasks pursuant to KRS 334A.020 and the supervisor and assistant shall work together to provide the appropriate services to all assigned pupils taking into account the severity and complexity of the needs of individual students and the respective workloads of the supervisor and assistant. The maximum number of pupils served by each speech-language pathology assistant shall not exceed the direct service caseload of the speech-language pathologist as established in KRS 334A.190.

(2) To be eligible for licensure by the board as a speech-language pathology assistant, the applicant shall meet the following requirements:

- (a) A baccalaureate degree in the area of speech-language pathology as defined by administrative regulation;
- (b) Completion of postgraduate professional experience deemed appropriate by the board by administrative regulation; and
- (c) List on the application the name of the appropriately qualified supervisor who has agreed to provide supervision as set forth by the board by administrative regulation.

**334A.035 Interim license requirement -- Exemption for public school speech-language pathologists with teacher certification in communication disorders.**

(1) (a) A person who has a Master's degree in the area of speech-language pathology or communication disorders, or is currently enrolled in a doctoral degree program with emphasis in speech-language pathology or communication disorders, or has substantive equivalent course work as defined by the board's administrative regulations and who has completed supervised direct clinical practicum with individuals presenting a variety of disorders of communication and swallowing, the experience being obtained with a training institution or in one (1) of its cooperating programs, shall apply for an interim license during the time that person is completing postgraduate professional experience deemed necessary by the board. The postgraduate professional experience shall be completed under the supervision of a speech-language pathologist who holds a Kentucky license or certification by other accrediting bodies, at the discretion of the board.

(b) A person with interim licensure shall make every effort to take and pass a national examination in speech-language pathology approved by the board at the time of the application for licensure. If unsuccessful with the examination, the licensee shall submit documentation of the applicant's preparation to take the national examination and continue to practice under supervision in accordance with this section. The board shall promulgate an administrative regulation in accordance with KRS Chapter 13A to establish the documentation required under this paragraph.

(c) Upon completion of postgraduate professional experience deemed necessary by the board, the speech-language pathologist shall make an application to the board within thirty (30) days for permanent licensure, if all requirements have been completed satisfactorily, or for renewal of the interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license.

(d) An interim license shall not exceed a period of twenty-four (24) months without board approval.

(2) (a) A person who has a baccalaureate degree in the area of speech-language pathology or communication disorders as defined by administrative regulation shall apply for an interim license as a speech-language pathology assistant during the time that person is completing his or her professional experience as established by the board by administrative regulation. The postgraduate professional experience shall be completed under the supervision of an appropriately qualified supervisor.

(b) Upon completion of the postgraduate professional experience, the speech-language pathology assistant shall make immediate application to the board within thirty (30) days for permanent licensure if all requirements have been completed satisfactorily, or for renewal of the

interim license at the discretion of the board. Failure to do so shall result in forfeiture of the interim license. (c) An interim license shall not exceed a period of twenty-four (24) months without board approval.

(3) (a) A speech-language pathologist employed solely by the public schools in a certified position who holds a teacher certification in communication disorders issued by the Education Professional Standards Board shall be exempt from holding a license issued by the board.

(b) A speech-language pathologist in a classified position who does not hold a teacher certification in communication disorders issued by the Education Professional Standards Board shall apply for and maintain appropriate licensure.

(c) The public school speech-language pathologist shall determine from the local school board how his or her position is categorized.

#### **334A.040 Exemptions from application of chapter.**

(1) Nothing in this chapter shall be construed to prevent a qualified person licensed in this state under any other law from engaging in the profession for which the person is licensed.

(2) Nothing in this chapter shall be construed to prevent qualified hearing aid dispensers from engaging in those practices and procedures used solely for the fitting and selling of hearing aids.

(3) Nothing in this chapter shall be construed as restricting or preventing activities of a speech-language pathology or audiology nature or the use of the official title of the position for which they were employed on the part of the following persons:

(a) Speech-language pathologists or audiologists employed by the federal government, if they are performing such activities solely within the confines or under the jurisdiction of the organization in which they are employed and do not offer to render speech-language pathology or audiology services as defined in subsections (4) and (6) of KRS 334A.020 to the public outside of the institutions or organizations in which they are employed. However, such persons may, without obtaining a license under this chapter, consult or disseminate their research findings and scientific information to other such accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter; or

(b) Registered and practical nurses or others trained to perform audiometric testing under the direct supervision of a licensed physician or surgeon.

(4) Nothing in this chapter shall be construed as restricting the activities and services of a student or speech-language pathology intern pursuing a course of study leading to a degree in speech-language pathology at an accredited or approved college or university or an approved clinical training facility, if these activities and services constitute a part of the planned course of study and if such persons are designated by such title as "speech-language pathology intern," "speech-language pathology trainee," or other such title clearly indicating the training status appropriate to his or her level of training under the supervision of a licensed speech-language pathologist.

(5) Nothing in this chapter shall be construed as restricting the activities and services of a student or audiology intern pursuing a course of study leading to a degree in audiology at an accredited or approved college or university or an approved clinical training facility, if these activities and services constitute a part of the planned course of study and if such persons are designated by such title as "audiology intern," "audiology trainee," or other such title clearly indicating the training status appropriate to his or her level of training, under supervision of a licensed audiologist.

(6) Nothing in this chapter shall be construed as restricting a speech-language pathologist or audiologist from another state from offering his or her speech-language pathology or audiology services in this state if the services are performed

for no more than five (5) days in any calendar year and if that person meets the qualifications and requirements stated in the section on qualifications, except that such person need not apply for licensure under this chapter.

**334A.040 Exemptions from application of chapter.**

(1) Nothing in this chapter, however, shall be construed to prevent a qualified person licensed in this state under any other law from engaging in the profession for which he is licensed.

(2) Nothing in this chapter shall be construed to prevent qualified hearing aid dispensers from engaging in those practices and procedures used solely for the fitting and selling of hearing aids.

(3) Nothing in this chapter shall be construed as restricting or preventing activities of a speech-language pathology or audiology nature or the use of the official title of the position for which they were employed on the part of the following persons:

(a) Speech-language pathologists or audiologists employed by the federal government, provided such persons are performing such activities solely within the confines or under the jurisdiction of the organization in which they are employed and do not offer to render speech-language pathology or audiology services as defined in subsections (4) and (6) of KRS 334A.020 to the public outside of the institutions or organizations in which they are employed. However, such persons may, without obtaining a license under this chapter, consult or disseminate their research findings and scientific information to other such accredited academic institutions or governmental agencies. They also may offer lectures to the public for a fee, monetary or otherwise, without being licensed under this chapter; or

(b) Registered and practical nurses or others trained to perform audiometric testing under the direct supervision of a licensed physician or surgeon.

(4) Nothing in this chapter shall be construed as restricting the activities and services of a student or speech-language pathology intern pursuing a course of study leading to a degree in speech-language pathology at an accredited or approved college or university or an approved clinical training facility, provided these activities and services constitute a part of the planned course of study and that such persons are designated by such title as "speech-language pathology intern," "speech-language pathology trainee," or other such title clearly indicating the training status appropriate to his level of training under the supervision of a licensed speech-language pathologist.

(5) Nothing in this chapter shall be construed as restricting the activities and services of a student or audiology intern pursuing a course of study leading to a degree in audiology at an accredited or approved college or university or an approved clinical training facility, provided that these activities and services constitute a part of his planned course of study and that such persons are designated by such title as "audiology intern," "audiology trainee," or other such title clearly indicating the training status appropriate to his level of training, under supervision of a licensed audiologist.

(6) Nothing in this chapter shall be construed as restricting a speech-language pathologist or audiologist from another state from offering his speech-language pathology or audiology services in this state provided such services are performed for no more than five days in any calendar year and provided that person meets the qualifications and requirements stated in the section on qualifications, except that such person need not apply for licensure under this chapter. However, a person from another state who is licensed or certified as a speech-language pathologist or audiologist by a similar board of another state, or territory of the United States, or of a foreign country or province whose standards are equivalent to or higher than, at the date of his certification or licensure, the requirements of this chapter and regulations duly adopted hereunder, or a person who meets the qualifications and requirements, and resides in a state or territory of the United States, or a foreign country or province which does not grant certification



or license to speech-language pathologists, may also offer speech-language pathology services in this state for a total of not more than thirty (30) days in any calendar year without making application for licensure under this chapter.

(7) Nothing in this chapter shall be construed as restricting a speech-language pathologist or audiologist who has all the qualifications necessary for licensure under this chapter, who is not certified or licensed by another administrative agency, and who has made application for licensure under this chapter from rendering speech-language pathology or audiology services within this state while awaiting licensure.

#### **334A.050 Qualifications of applicant for license.**

To be eligible for licensure by the board as a speech-language pathologist or audiologist, the applicant must:

(1) Be a citizen of the United States or have declared his intention to become a citizen. A statement by the applicant under oath that he is a citizen or that he intends to apply for citizenship when he becomes eligible to make application shall be sufficient proof of compliance with this subsection;

(2) Show evidence of meeting the following professionally accepted academic and practicum standards:

(a) Master's degree in the area of speech-language pathology or audiology or substantive equivalent. The specific course work for this requirement is to be determined by the board and delineated in the administrative regulations;

(b) Completion of supervised direct clinical practicum with individuals presenting a variety of disorders of communication, the experience being obtained with the training institution or in one (1) of its cooperating programs; and

(c) Completion of postgraduate professional experience as deemed necessary by the board; and

(3) Pass the national examinations in speech-language pathology or audiology which are approved by the American Speech and Hearing Association and in effect at the time of application for licensure. Written examinations may be supplemented by such oral examinations as the board shall determine. An applicant who fails his examination may be reexamined at a subsequent examination upon payment of another licensing fee.

#### **334A.060 Licensure without examination.**

(1) The board may waive the examination and grant a license to applicants who present proof of current licensure in a state which has standards that are at least equivalent to those of this state.

(2) The board may waive the examination and grant a license to those who hold the Certificate of Clinical Competence of the American Speech and Hearing Association in the area for which they are applying for licensure.

#### **334A.070 Board of Speech-Language Pathology and Audiology -- Meetings.**

(1) There is hereby created a Board of Speech-Language Pathology and Audiology which shall consist of eight (8) members to be appointed by the Governor. Three (3) members shall be audiologists, three (3) members shall be speech-language pathologists, one (1) shall be an otolaryngologist and one (1) member shall be a citizen at large who is not associated with or financially interested in the practice or business regulated. The audiologists and speech-language pathologists members shall hold a Kentucky license from the board of speech-language pathology and audiology and shall practice in Kentucky. One (1) of the speech-language pathologist members shall be employed in the public schools of the Commonwealth. The members of the board shall serve until the expiration of the term for which they have been appointed or until their successors are qualified. All appointments made shall be for a term of three (3) years except for appointments to fill vacancies caused by a reason other than the

expiration of a member's term which shall be filled for the remaining portion of the member's term. No person shall be appointed to serve more than two (2) consecutive terms.

(2) The board shall reorganize annually and select a chairman. Four (4) members of the board shall constitute a quorum to do business. The board shall hold at least one (1) regular meeting each year. Additional meetings may be held upon call of the chairman or at the written request of any two (2) members of the board. All meetings of the board shall be open and public.

#### **334A.080 Powers and duties of the board.**

(1) The board shall administer, coordinate, and enforce the provisions of this chapter, evaluate the qualifications of applicants, supervise the examination of applicants, and may issue subpoenas, examine witnesses, and administer oaths, and shall investigate persons engaging in practices which violate the provisions of this chapter.

(2) The board shall conduct administrative hearings in accordance with KRS Chapter 13B. Any person aggrieved by a final order of the board may appeal to Franklin Circuit Court.

(3) The board shall keep records and minutes as necessary and shall promulgate responsible administrative regulations, including but not limited to, administrative regulations which delineate qualifications for licensure and renewal of licensure and which establish ethical standards of practice, and may amend or repeal the same.

(4) Every person who holds a license to practice speech-language pathology or audiology in this state shall be governed and controlled by the rules of professional conduct adopted by the board.

(5) The conferral or enumeration of specific powers elsewhere in this chapter shall not be construed as a limitation of the general powers conferred by this section.

(6) The board shall fix appropriate and reasonable fees for licensing, and shall periodically review and modify these fees as necessary.

#### **334A.100 Board members -- Expenses.**

The board members shall receive no compensation for their services, but may receive per diem and traveling expenses to the extent authorized by board policy.

#### **334A.110 Board to employ necessary personnel.**

The board shall employ, and at its pleasure discharge, a secretary and such attorneys, inspectors, clerks, and any other employees as shall be deemed necessary, and shall outline their duties and fix their compensation. The amount of per diem and mileage and expense money paid to employees shall be provided by board policy.

#### **334A.120 Revolving fund for board.**

All moneys received by the board under this chapter shall be paid to the secretary of the board. All money shall be deposited in the State Treasury into a separate trust fund for the board. The board shall be financed solely and individually from income accruing to it from fees, licenses, and other charges collected by the board and all such moneys are hereby appropriated to the board. All salaries and expenses shall be paid as budgeted after budgets have been approved by the State Budget Commission or within the limitations of any appropriation for that purpose which may be included in the executive branch budget bill.

#### **334A.122 Immunity from civil or criminal liability -- Actions to restrain or enjoin violations of chapter -- Representation of board by state and local prosecutors.**

(1) Members of the board and its agents and employees shall be immune from personal liability in any action, civil or criminal, which is based on any official act or acts performed in good faith.

(2) Notwithstanding any other civil or criminal remedy, the board may institute and maintain actions to restrain or enjoin any violation of this chapter, related administrative regulations promulgated by the board pursuant to KRS Chapter 13A, or order of the board.

(3) The surrender of a license shall not serve to deprive the board of jurisdiction to proceed with disciplinary action pursuant to this chapter.

(4) The city, county, or Commonwealth's attorney and the Attorney General shall, within their jurisdictions and within their legal discretion, represent the board and its agents and employees in the enforcement of the provisions of this chapter and related administrative regulations.

#### **334A.130 License application -- Form -- Fee.**

(1) Each person desiring to obtain a license from the board shall make application to the board. The application shall be made upon a form and in such a manner as the board prescribes in regulations duly adopted under this chapter.

(2) The application shall be accompanied by the application fee as determined by the board and set forth by regulations. This fee shall not be refunded by the board.

#### **334A.150 License -- Board to issue -- When.**

The board shall issue a license to all applicants who meet the requirements of this chapter and who pay to the board the initial license fee provided in KRS 334A.160 as prescribed by board regulations.

#### **334A.160 Maximum fees prescribed for licenses.**

The amount of fees prescribed in connection with a license as a speech-language pathologist, speech-language pathology assistant, or audiologist shall be as follows:

(1) The initial license fee for licensure as a speech-language pathologist or an audiologist shall not exceed two hundred dollars (\$200);

(2) The delinquency fee for all credentials shall not exceed forty dollars (\$40);

(3) The application fee for all credentials shall not exceed fifty dollars (\$50);

(4) The initial and renewal fees for an inactive license shall not exceed twenty dollars (\$20);

(5) The speech-language pathology assistant license fee shall not exceed one hundred fifty dollars (\$150); and

(6) The interim license fee shall not exceed one hundred fifty dollars (\$150).

#### **334A.170 Renewal of licenses -- Fees.**

(1) Each licensed speech-language pathologist, speech-language pathology assistant, or audiologist shall biennially, on or before January 31, pay to the board a renewal fee not to exceed one hundred fifty dollars (\$150) for a renewal of his or her license. A thirty (30) day grace period shall be allowed after January 31, during which time licenses may be renewed on payment of a renewal fee plus grace period fee which combined shall not exceed one hundred eighty dollars (\$180). After expiration of the grace period, the board may renew each license upon payment of a renewal fee plus a delinquency fee which combined shall not exceed two hundred fifty dollars (\$250). No person who applies for renewal, whose license has expired, shall be required to submit to any examination as a condition to renewal, if the renewal application is made within five (5) years from the date of expiration.

(2) A suspended license is subject to expiration and shall be renewed as provided in this chapter, but the renewal shall not entitle the licensee, while the license remains suspended and until it is reinstated, to engage in the licensed activity, or in any other activity or conduct in violation of the order of judgment by which the license was suspended. A license revoked on disciplinary grounds shall be subject to expiration as provided in this chapter, but it shall not be renewed. If it is reinstated after its expiration, the licensee, as a condition of reinstatement, shall

pay a reinstatement fee in an amount equal to the renewal fee in effect on the last preceding regular renewal date before the date on which it is reinstated, plus the delinquency fee, if any, accrued at the time of its revocation.

(3) A person who fails to renew his or her license within the five (5) years after its expiration may not renew it, and it shall not be restored, reissued, or reinstated thereafter. The person may apply for and obtain a new license if the person meets the requirements of this chapter.

(4) A person applying for renewal of licensure shall show evidence of completion of continuing professional education in speech-language pathology or audiology as prescribed by the board by administrative regulation.

#### **334A.180 Licenses, causes for revocation, suspension or denial.**

(1) The board may refuse to issue a license, suspend or revoke the license of any licensee, or fine a licensee an amount agreed upon by a two-thirds (2/3) vote of the board in an amount not to exceed one thousand dollars (\$1,000), and the board may take action against a license and fine a licensee if he or she has been guilty of unprofessional conduct which has endangered or is likely to endanger the health, welfare, or safety of the public. Such unprofessional conduct may include:

(a) Obtained the license by means of fraud, misrepresentation, or concealment of material facts;

(b) Has been guilty of unprofessional conduct as defined by the rules established by the board, or has violated the code of ethics adopted and published by the board;

(c) Has violated any lawful order, rule, or regulation rendered or adopted by the board;

(d) Has represented that the professional services or advice of a physician has been used, or has used the words "doctor," "clinic," or similar words, abbreviations, or symbols while failing to affix the word, term, or initials pertaining to "audiology," "audiologic," "audiologist," "doctor of audiology," "speech-language pathologist," "speech-language pathology," "Au.D," "Ph.D.," or "Sc.D.";

(e) Has failed to affix the word, term, or initials specified in paragraph (d) of this subsection in any sign, written communication, or advertising media in which the term "doctor" or the abbreviation "Dr." is used in relation to the audiologist or speech-language pathologist holding a doctoral degree; or

(f) Has violated any provisions of this chapter.

(2) The board shall deny an application for, or suspend or revoke, or impose probationary conditions upon, a license as ordered by the board in any decision made after hearing as provided in this chapter. One (1) year from the date of revocation of a license under this chapter, application may be made to the board for reinstatement. The board shall have discretion to accept or reject an application for reinstatement.

(3) A person applying for reinstatement of licensure shall provide evidence of completion of continuing professional education in speech-language pathology or audiology as prescribed by the board.

(4) A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge of a felony is deemed to be a conviction within the meaning of this chapter. At the direction of the board, the license shall be suspended or revoked, or shall decline to issue a license when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or when an order granting probation is made suspending the imposition of sentence irrespective of a subsequent order under the provisions of the penal code allowing such person to withdraw his plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the acquisition, information or indictment.

**334A.181 Temporary licenses for speech-language pathologist, speech-language pathology assistant, and audiologist.**

(1) Pursuant to administrative regulation promulgated pursuant to KRS Chapter 13A, the board may issue a temporary license to any applicant who has met the requirements for licensure for the respective profession.

(2) A speech-language pathologist, speech-language pathology assistant, or audiologist may practice his or her respective profession under a temporary license until the next board meeting, at which time the full board shall either extend the temporary license, issue a license, renew a license, or deny a license. If a license is denied, the person with a temporary license shall immediately cease the practice granted under the temporary license upon notification by the board.

(3) A person may practice his or her respective profession under a temporary license for no longer than one hundred eighty (180) days.

**334A.183 Licensure requirements for speech-language pathologist.**

(1) To be eligible for initial interim licensure by the board as a speech-language pathologist, the applicant shall:

(a) Provide a certified university transcript conferring a master's degree or doctorate degree in the area of speech-language pathology or communication disorders, or substantive equivalent. The board shall promulgate administrative regulations to specify the required course work; or

(b) Provide documentation of completion of degree requirements, including a supervised direct clinical practicum with individuals presenting with a variety of disorders of communications and swallowing. The experience shall be obtained with a training institution or in one (1) of its cooperating programs.

(2) To be eligible for initial licensure by the board as a speech-language pathologist, the applicant shall:

(a) Provide a certified university transcript conferring a master's degree or doctorate degree in the area of speech-language pathology or communication disorders, or substantive equivalent. The board shall promulgate administrative regulations to specify the required course work;

(b) Provide documentation of completion of a postgraduate professional experience approved by the board pursuant to administrative regulations promulgated pursuant to this chapter; and

(c) Pass a national examination approved by the board at the time of the application for licensure or provide documentation of national certification.

**334A.185 Licensure requirements for audiologist.**

(1) To be eligible for initial licensure by the board as an audiologist, the applicant shall:

(a) Provide either a certified university transcript conferring a master's degree in audiology prior to January 1, 2007, and show evidence of completion of a postgraduate professional experience as set forth in administrative regulations promulgated pursuant to this chapter if the applicant has not held an interim license in audiology; or provide a certified university transcript conferring a doctorate degree in audiology from an accredited program, as determined by the board; and

(b) Pass a national examination approved by the board at the time of the application for licensure or provide documentation of national certification.

(2) The board shall issue, on a case-by-case basis, an interim license to practice audiology to an applicant who has a doctorate degree other than an Au.D., who has completed all licensure requirements other than the supervised professional experience requirements. Application for an interim license shall be made within thirty (30) days of securing a supervisor. The supervised

postgraduate professional experience shall be completed under the supervision of an appropriately qualified supervisor.

**334A.187 Licensure reciprocity.**

(1) The board may grant a license to an applicant currently licensed in another state as a speech-language pathologist upon receipt of the following:

- (a) A letter of good standing in that state;
- (b) Documentation of national certification or a passing score on a national exam approved by the board; and
- (c) A certified university transcript conferring at least a master's degree in communication disorders.

(2) The board may grant a license to an applicant currently licensed in another state as an audiologist upon receipt of the following:

- (a) A letter of good standing in that state;
- (b) Documentation of national certification or a passing score on a national exam approved by the board; and
- (c) A certified university transcript conferring a master's degree in audiology prior to January 1, 2007, or a doctorate degree in audiology.

**334A.189 Inactive licensure status.**

(1) Any person with an active license may request that his or her license be placed on inactive status.

(2) An inactive license shall be renewed every other year by the last day of the month of the anniversary month granting the inactive license status.

(3) An inactive license may be renewed for up to six (6) years with documentation of required continuing education and approval of the board chair, board co-chair, or administrator of the board. The board shall promulgate administrative regulations to establish the requirements for renewals after six (6) years.

**334A.190 Caseload limitations for speech-language pathologists in the public schools.**

(1) The caseload limitations for speech-language pathologists in the public schools shall not exceed sixty-five (65) pupils.

(2) The total caseload of speech-language pathologists who supervise assistants may be increased by no more than one-half (1/2) of the amount set forth in subsection (1) of this section for each speech-language pathology assistant working under their supervision.

**334A.200 Duty of treating speech-language pathologist or audiologist utilizing telehealth to ensure patient's informed consent and maintain confidentiality -- Board to promulgate administrative regulations -- Definition of "telehealth".**

(1) A treating speech-language pathologist or audiologist who provides or facilitates the use of telehealth shall ensure:

(a) That the informed consent of the patient, or another appropriate person with authority to make the health care treatment decision for the patient, is obtained before services are provided through telehealth; and

(b) That the confidentiality of the patient's medical information is maintained as required by this chapter and other applicable law. At a minimum, confidentiality shall be maintained through appropriate processes, practices, and technology as designated by the board and that conform to applicable federal law.

(2) The board shall promulgate administrative regulations in accordance with KRS Chapter 13A to implement this section and as necessary to:

- (a) Prevent abuse and fraud through the use of telehealth services;
- (b) Prevent fee-splitting through the use of telehealth services; and

(c) Utilize telehealth in the provision of speech-language pathology or audiology services and in the provision of continuing education.

(3) For purposes of this section, "telehealth" means the use of interactive audio, video, or other electronic media to deliver health care. It includes the use of electronic media for diagnosis, consultation, treatment, transfer of health or medical data, and continuing education.

**334A.990 Penalty.**

(1) Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding one thousand dollars (\$1,000) or by both.

(2) When any person other than a licensed speech-language pathologist, speech-language pathology assistant, or audiologist has engaged in any act or practice which constitutes an offense against this chapter, the Franklin Circuit Court, on application of the board, may issue an injunction or other appropriate order restraining the conduct.

# Kentucky Administrative Regulations

## **201 KAR 17:011. Requirements for interim licensure.**

RELATES TO: KRS 334A.035, 334A.050

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.035 and 334A.050 establish requirements for licensure as a speech-language pathologist and audiologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. This administrative regulation establishes criteria for interim licensure for speech-language pathologists and audiologists.

Section 1. Education and Experience. (1)(a) In addition to the citizenship requirements of KRS 334A.050, each applicant for interim licensure in speech-language pathology or audiology in Kentucky shall hold a master's degree or equivalent with major emphasis in speech-language pathology, audiology, or speech-language and hearing science from a college or university program accredited by the American Speech-Language-Hearing Association.

(b) An applicant shall have "equivalent" education if the applicant holds:

1. A doctoral degree in speech-language pathology or audiology from a program accredited by the American Speech-Language-Hearing Association; or

2. A bachelor's degree from a regionally accredited college or university, and has completed all coursework and clinical practicum requirements leading to a doctorate or master's degree from a university program accredited by the American Speech-Language-Hearing Association.

(2) A written plan for the postgraduate professional experience shall be submitted with the application for interim licensure within thirty (30) days after initiating the postgraduate professional experience. The applicant shall proceed to obtain postgraduate professional experience under a supervisor who is a speech-language pathologist or audiologist licensed in Kentucky. An applicant for interim licensure shall submit a completed Application for Interim Licensure to the board.

Section 2. Incorporation by Reference. (1) "Application for Interim Licensure", November 1999, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

## **201 KAR 17:012. Requirements for licensure.**

RELATES TO: KRS 334A.033, 334A.050

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.033 and 334A.050 establish requirements for licensure as a speech-language pathologist and audiologist, including a requirement that an applicant meet specified education and experience criteria as determined by the board. This administrative regulation establishes criteria for licensure for speech-language pathologists and audiologists.

Section 1. Education and Experience. In addition to the citizenship requirements of KRS 334A.050, each applicant for licensure in speech-language pathology or audiology in Kentucky shall meet the requirements established in this section:

(1)(a) An applicant shall have completed a master's degree or equivalent with major emphasis in speech-language pathology, audiology, or speech-language and hearing science from a college or university program accredited by the American Speech-Language-Hearing Association.

(b) An applicant shall have "equivalent" education if the applicant holds:



1. A doctoral degree in speech-language pathology or audiology from a program accredited by the American Speech-Language-Hearing Association; or

2. A bachelor's degree from a regionally accredited college or university, and has completed all coursework and clinical practicum requirements leading to a doctorate or master's degree from a university program accredited by the American Speech-Language-Hearing Association.

(2) Postgraduate professional experience.

(a) After completion of academic coursework and clinical practicum, the applicant shall successfully complete a period of postgraduate professional experience.

(b) The experience shall consist of at least thirty-six (36) weeks of full-time professional experience to consist of a minimum of thirty (30) work hours a week or its part-time equivalent as follows:

1. Fifteen (15) to nineteen (19) hours per week over seventy-two (72) weeks;

2. Twenty (20) to twenty-four (24) hours per week over sixty (60) weeks; or

3. Twenty-five (25) to twenty-nine (29) hours per week over forty-eight (48) weeks.

(c) The experience shall be completed under the supervision of an individual who holds a Kentucky license or the Certificate of Clinical Competence from the American Speech-Language-Hearing Association in Speech-Language Pathology or Audiology as appropriate.

1. The postgraduate professional experience supervisor shall engage in no fewer than thirty-six (36) supervisory activities during the postgraduate professional experience.

2. This supervision shall include eighteen (18) on-site observations of direct client contact at the interim licensee's work site.

a. One (1) hour shall equal one (1) on-site observation.

b. A maximum of six (6) on-site observations may be accrued in one (1) day.

c. At least six (6) on-site observations shall be accrued during each third of the experience.

d. These on-site observations shall be of the interim licensee providing screening, evaluation, assessment, habilitation, and rehabilitation.

3. The supervision shall include eighteen (18) other monitoring activities.

a. At least six (6) other monitoring activities shall be completed during each of the three (3) segments of the postgraduate professional experience.

b. These other monitoring activities may be executed by correspondence, review of video tapes or audio tapes, evaluation of written reports, phone conferences with the interim licensee, or evaluations by professional colleagues.

4. The supervisor periodically shall conduct a formal evaluation of the applicant's progress in the development of professional skills.

(3) The applicant shall have passed one (1) of the national examinations in speech-language pathology and audiology which are approved by the American-Speech-Language-Hearing Association and in effect at the time of application for licensure, either the national examination in speech-language pathology or the national examination in audiology.

(4) The applicant shall submit to the board a written description verifying his completion of the required academic coursework and supervised clinical experience on the Application for License, with required supporting documentation. Credit shall not be allowed for courses listed on the application unless satisfactory completion is verified by an official transcript. Satisfactory completion shall exist if the applicant has received academic credit (semester hours, quarter hours, or other unit of credit) with a passing grade as defined by the training institution.

(5) Application for approval of academic coursework and supervised clinical experience shall be made as soon as possible after completion of these experiences, and either before or within thirty (30) days after the professional postgraduate experience is begun.

(6) Within thirty (30) days after completion of the postgraduate professional experience, the applicant and his supervisor shall submit a written report to the board verifying the

successful completion of postgraduate professional experience on the Application for License, with required supporting documentation.

Section 2. Incorporation by Reference. (1) "Application for License", November 1999, is incorporated by reference.

(2) This material may be inspected, copied, or obtained at the Division of Occupations and Professions 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

**201 KAR 17:014. Temporary licensure for speech-language pathologist, speech-language pathology assistant, and audiologist.**

RELATES TO: KRS 334A.033, 334A.050, 334A.181, 334A.183, 334A.185

STATUTORY AUTHORITY: KRS 334A.080(3), 334.181(1)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.181 authorizes the board to provide temporary licensure by promulgating administrative regulations. This administrative regulation provides requirements for the issuance of temporary licenses.

Section 1. Definition. "Board Administrator" means the Director of the Division of Occupations and Professions.

Section 2. Requirements. (1) Upon receipt of application showing that applicant meets the requirements set forth in KRS 334A.033, 334A.050, 334A.183, 334A.185, and 201 KAR 17:012, the Board Administrator shall issue a temporary license to the applicant, by sending a letter to the applicant on Board letterhead.

(2) The temporary license shall entitle the applicant to practice as a speech-language pathologist, speech-language pathology assistant, or audiologist until the applicant is reviewed by the Kentucky Board of Speech Language Pathology and Audiology.

(3) A temporary license shall not be effective for more than 180 days as provided by KRS 334A.181(3).

Section 3. Unprofessional Conduct. If the application shows evidence of unprofessional conduct per KRS 334A.180(1) or (4), the applicant shall not be granted temporary licensure, and the application shall be held pending review by the board.

This is to certify that the Chair of the Kentucky Board of Speech-Language Pathology and Audiology executes this administrative regulation prior to filing, pursuant to the authority granted by statute, and following a vote of approval by the Board as reflected in the Board's minutes. This administrative regulation is filed with the Legislative Research Commission as required by KRS Chapter 13A to carry out and enforce the provisions of KRS Chapter 309. (35 Ky.R. 1370; Am. 1730; eff. 2-6-09.)

**201 KAR 17:015. Board members, expenses.**

RELATES TO: KRS 334A.100

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.100 authorizes board members to receive per diem and traveling expenses to the extent authorized by board policy. This administrative regulation establishes the per diem and travel expense rates for board members when conducting board-related business.

Section 1. A member of the board shall receive:

(1) Compensation in the amount of \$100 per day for each day of actual board service; and

(2) Travel expenses as provided by 200 KAR 2:006

**201 KAR 17:025. Requirements for an interim license as a speech-language pathology assistant.**

RELATES TO: KRS 334A.035(2), 1994 Ky. Acts ch. 32, sec. 4

STATUTORY AUTHORITY: KRS 334A.035(2), 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.033 establishes the requirements for licensure as a speech-language pathology assistant. KRS 334A.035(2) requires an applicant for licensure as a speech-language pathology assistant to complete postgraduate professional experience in order to become licensed. This administrative regulation establishes the requirements for interim licensure.

Section 1. Education. (1) In order to receive an interim license to become a speech-language pathology assistant, the applicant shall possess a baccalaureate degree in speech-language pathology.

(2) A baccalaureate degree in speech-language pathology shall be a baccalaureate degree from a regionally accredited institution in communication sciences or disorders or its equivalent.

(3) In order to be considered as equivalent, the applicant shall have obtained a baccalaureate degree and a minimum of twenty-seven (27) hours in the core areas of communication sciences or disorders including the following:

- (a) Anatomy and physiology;
- (b) Phonetics and speech science;
- (c) Speech and language development;
- (d) Communication disorders in children;
- (e) Audiology;
- (f) Aural rehabilitation; and
- (g) Intervention for children with communication disorders.

Section 2. Supervision. (1) The interim licensee shall function under the supervision of an appropriate supervisor during the period of interim licensure.

(2) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(3) The supervisor may require additional supervision based on the experience of the speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(4) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

(5) Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

(6) Each speech-language pathology assistant shall be required to receive no less than three (3) hours per full-time week of documented direct supervision. Supervision shall be adjusted proportionally for less than full-time employment. The supervisor shall have direct contact time with the speech-language pathology assistant as well as with the pupil.

(7) Direct supervision shall consist of on-site, in-view observation and guidance as a clinical activity is performed.

(a) A speech-language pathology assistant shall be supervised by either:

- 1. A licensed speech-language pathologist; or
- 2. A teacher certified to teach exceptional children with communication disorders, pursuant to 704 KAR 20:670.

(8) Supervision shall provide information about the quality of the speech-language pathology assistant's performance with assigned tasks and verify that clinical activity is limited to tasks specified in the speech-language pathology assistant's scope of responsibilities.

(9) Information obtained during direct supervision may include data relative to:

- (a) Accuracy in implementation of screening, diagnostic, and treatment procedures;
- (b) Agreement between the assistant and the supervisor on correct or incorrect judgment of target behavior;
- (c) Accuracy in recording data; and
- (d) Ability to interact effectively with the pupil.

(10) Indirect supervision shall be required no less than three (3) hours per full-time week. Supervision shall be adjusted proportionally for less than full-time employment. Indirect supervision may include:

- (a) Demonstration;
- (b) Record review;
- (c) Review and evaluation of audio or videotaped sessions; or
- (d) Supervisory conferences that may be conducted by telephone.

(11) A minimum total of six (6) hours of direct and indirect supervision per full-time week shall be required for each speech-language pathology assistant and shall be documented. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

(12) A speech-language pathology assistant shall not provide direct services if a supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or some other immediate means.

(13) If, for any reason (including maternity leave, illness, or a change of jobs), the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the speech-language pathology assistant's supervisor.

(14) Although more than one (1) supervisor may provide supervision of a speech-language pathology assistant, a supervisor shall not be listed as the supervisor of record for more than two (2) speech-language pathology assistants. If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload that is theirs and each shall sign the license application and postgraduate professional experience report.

Section 3. Postgraduate Professional Experience. (1) The applicant shall obtain the equivalent of not less than nine (9) months of full-time professional experience with full-time employment, which shall be a minimum of thirty (30) clock hours of work a week. This requirement may be fulfilled by part-time employment as follows:

- (a) Work of fifteen (15) through nineteen (19) hours per week over eighteen (18) months;
- (b) Work of twenty (20) through twenty-four (24) hours per week over fifteen (15) months; or
- (c) Work of twenty-five (25) through twenty-nine (29) hours per week over twelve (12) months.

(2) If part-time employment is used to fulfill a part of the postgraduate professional experience, 100 percent of the minimum hours of the part-time work per week requirement shall be spent in direct professional experience.

(3) The postgraduate professional experience shall be completed within a maximum period of thirty-six (36) consecutive months.

Section 4. Evaluation and Recommendation. Within thirty (30) days after completion of the postgraduate professional experience, the applicant and his supervisor shall submit a written report to the board verifying the successful completion of postgraduate professional experience.

#### **201 KAR 17:027. Caseload and supervision requirements.**

RELATES TO: KRS 334A.033, 334A.190

STATUTORY AUTHORITY: KRS 334A.033(1)(b), 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.033 establishes the requirements for licensure as a speech-language pathology assistant. KRS 334A.033(1)(a) and (b) provide that a speech-language pathology assistant shall practice under supervision and that the board shall establish the requirements for supervision. KRS 334A.190(1) establishes the caseload maximum for a speech-language pathologist practicing full time in the public schools. This administrative regulation establishes the supervisory requirements and establishes specific guidelines for caseload limitations for a speech-language pathologist practicing less than full time in the public schools.

Section 1. The supervision requirements specified in this administrative regulation shall be the minimum requirements.

(1) The supervisor shall design and provide a supervision system that protects pupil welfare and maintains the highest possible standards of quality speech-language pathology services.

(2) The supervisor may require additional supervision based on the experience of the speech-language pathology assistant, the pupils served, and the physical or geographic proximity to the supervisor.

(3) As the supervisory responsibility of the supervisor increases, the direct service responsibilities of the supervisor shall decrease.

Section 2. Treatment for the pupils served shall remain the responsibility of the supervisor. The level of supervision required shall be the minimum level necessary for the supervisor to retain direct contact with the pupils.

Section 3. Each speech-language pathology assistant shall be required to have direct supervision in accordance with their years of experience as defined in KRS 334A.033. This ensures that the supervisor shall have direct contact time with the speech-language pathology assistant as well as with the pupil.

(1) Direct supervision shall be considered to be on-site, in-view observation and guidance as a clinical activity is performed. A speech-language pathology assistant shall be supervised by either:

(a) A speech-language pathologist licensed by the Kentucky Board of Speech-Language Pathology and Audiology; or

(b) A "certified" speech-language pathologist as defined by the Education Professional Standards Board.

(2) Supervision shall provide information about the quality of the speech-language pathology assistant's performance with assigned tasks and verify that clinical activity is limited to tasks specified in the speech-language pathology assistant's scope of responsibilities.

(3) Information obtained during direct supervision may include data relative to:

(a) Accuracy in implementation of screening, diagnostic, and treatment procedures;

(b) Agreement between the assistant and the supervisor on judgment of target behavior;

(c) Accuracy in recording data; and

(d) Ability to interact effectively with the pupil.

Section 4. Each speech-language pathology assistant shall also be required to receive indirect supervision in accordance with their years of experience as defined in KRS 334A.033. Indirect supervision may include:

(1) Demonstration;

(2) Record review;

(3) Review and evaluation of audio or videotaped sessions; or

(4) Supervisory conferences that may be conducted by telephone.

Section 5. Direct and indirect supervision shall be required for each speech-language pathology assistant and shall be documented on a weekly basis. Additional direct and indirect supervision may be necessary depending on the experience of the assistant and the needs of the pupil.

Section 6. A speech-language pathology assistant shall not at any time provide direct services when a supervising speech-language pathologist cannot be reached by personal contact, phone, pager, or some other immediate means.

Section 7. If, for any reason, including maternity leave, illness, or a change of jobs, the supervisor is no longer available to provide the level of supervision stipulated, the speech-language pathology assistant shall not provide service until a fully qualified speech-language pathologist has been designated as the speech-language pathology assistant's supervisor.

Section 8. Although more than one (1) supervisor may provide supervision of a speech-language pathology assistant, a supervisor shall not be listed as the supervisor of record for more

than two (2) speech-language pathology assistants. If multiple supervisors are used, each supervisor shall be responsible for that portion of the caseload that is theirs.

Section 9. The maximum number of pupils served by the speech-language pathology assistant shall not exceed the caseload established for a speech-language pathologist by administrative regulation.

Section 10. (1)(a) The caseload for a speech-language pathologist who works four (4) days a week, or the equivalent number of hours, in the public school system shall not exceed fifty-two (52) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works four (4) days a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

(2)(a) The caseload for a speech-language pathologist who works three (3) days a week, or the equivalent number of hours, in the public school system shall not exceed thirty-nine (39) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works three (3) days a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

(3)(a) The caseload for a speech-language pathologist who works two and a half (2 1/2) days a week, or the equivalent number of hours, in the public school system shall not exceed thirty-two (32) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works two and a half (2 1/2) days a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

(4)(a) The caseload for a speech-language pathologist who works two (2) days a week, or the equivalent number of hours, in the public school system shall not exceed twenty-six (26) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works two (2) days a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

(5)(a) The caseload for a speech-language pathologist who works one (1) day a week, or the equivalent number of hours, in the public school system shall not exceed thirteen (13) pupils.

(b) The caseload of a speech-language pathologist who supervises speech-language pathology assistants, and works one (1) day a week, or the equivalent number of hours, in the public school system may be increased according to the provisions set forth in KRS 334A.190(2).

#### **201 KAR 17:030. License fees and requirements for inactive status.**

RELATES TO: KRS 334A.160, 334A.170

STATUTORY AUTHORITY: KRS 334A.080(3), (6)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(6) requires the board to establish fees for licensure as a speech-language pathologist, speech-language pathology assistant, or audiologist, in accordance with the maximum limits established in KRS 334A.160 and 334A.170. KRS 334A.030(3) requires the board to establish requirements for licensure and renewals. This administrative regulation establishes the required fees and the requirements for inactive status.

Section 1. Fee Schedule. The following fees shall be paid in connection with speech-language pathologist and audiologist applications, renewals, and penalties.

- (1) Application fee for a speech-language pathologist license, fifty (50) dollars.
- (2) Application for an audiologist license, fifty (50) dollars.
- (3) Combined application fee for a speech-language pathologist and audiologist license, \$100.
- (4) Application fee for a speech-language pathology assistant license, fifty (50) dollars.
- (5) Initial speech-language pathologist license fee, \$100.

- (6) Initial audiologist license fee, \$100.
- (7) Combined speech-language pathologist and audiologist license fee, \$200.
- (8) Initial speech-language pathology assistant license fee, seventy-five (75) dollars.
- (9) Biennial renewal fee for speech-language pathologist license, \$100.
- (10) Biennial renewal fee for audiologist license, \$100.
- (11) Biennial combined renewal fee for speech-language pathologist and audiologist license, \$200.
- (12) Biennial renewal fee for speech-language pathology assistant, \$100.
- (13) Biennial renewal fee for grace period extending from January 31 to March 2:
  - (a) For speech-language pathologist license, \$150.
  - (b) For audiologist license, \$150.
  - (c) Combined fee for speech-language pathologist and audiologist license, \$300.
  - (d) For speech-language pathology assistant, \$150.
- (14) In addition to the biennial renewal fees provided for in Section 1(9) through (10) delinquency fees after March 2 shall be:
  - (a) For speech-language pathologist license, \$150.
  - (b) For audiologist license, \$150.
  - (c) Biennial combined fee for speech pathologist and audiologist license, \$300.
  - (d) For speech-language pathology assistant, \$150.
- (15) Application fee for interim licensure for a speech-language pathologist, fifty (50) dollars.
- (16) Application fee for interim licensure for an audiologist, fifty (50) dollars.
- (17) Combined fee for speech-language pathologist and audiologist interim licensure, \$100.
- (18) There shall not be a renewal fee for interim licensure. The application fee of fifty (50) dollars for full licensure shall be waived for a person who has been duly licensed as an interim licensee.
- (19) Application fee for interim licensure for a speech-language pathology assistant, fifty (50) dollars.

Section 2. (1) A completed Renewal Application or Renewal Application for Speech-Language Pathology Assistants, whichever is appropriate, shall be submitted if the licensee wants to:

- (a) Renew his license;
- (b) Request to return to an active status from an inactive status;
- (c) Request, or remain on, an inactive status; or
- (d) Terminate licensure.
- (2) The schedule of licensure renewals shall be as follows:
  - (a) Effective January 1, 2009:
    - 1. All licensees shall renew their licenses.
    - 2. A licensee having a license number ending in an even number shall:
      - a. Renew for a period of one (1) year; and
      - b. Pay one-half of the appropriate renewal fee established in Section 1(9)-(14) of this administrative regulation; and
    - 3. A licensee having a license number ending in an odd number shall:
      - a. Renew for a period of two (2) years; and
      - b. Pay the appropriate renewal fee established in Section 1(9)-(14) of this administrative regulation.
  - (b) Effective January 1, 2010, a licensee:
    - 1. Whose license number ends with an:
      - a. Even number shall renew his or her license biennially in even-numbered years; and
      - b. Odd number shall renew his or her license biennially in odd-numbered years; and
    - 2. Shall pay the appropriate renewal fee as established in Section 1(9) - (14) of this administrative regulation.

Section 3. If an application is filed during the period of December 17 to January 30 and a license issued, the board shall waive the renewal of the license for the ensuing licensing year.

Section 4. Inactive Licenses. (1) Fees.

(a) The inactive license fee for a speech-language pathologist for a biennial licensing period shall be twenty (20) dollars.

(b) The inactive license fee for an audiologist for a biennial licensing period shall be twenty (2) dollars.

(c) The combined inactive license fee for a speech-language pathologist and audiologist for a biennial licensing period shall be twenty (20) dollars.

(d) The inactive license fee for a speech-language pathology assistant for a biennial licensing period shall be twenty (20) dollars.

(2) Reactivation of an inactive license to practice speech-language pathology or audiology may be obtained by:

(a) Filing a completed Renewal Application or Renewal Application for Speech-Language Pathology Assistants, whichever is appropriate;

(b) Payment of the current renewal fee as set forth in Section 1 of this administrative regulation; and

(c) Compliance with the continuing education requirements established in 201 KAR 17:090, Sections 10 and 11.

(3) Application for an inactive license shall be made to the board prior to March 2 and shall be accompanied by the appropriate fee for the licensing year.

Section 5. Incorporation by Reference. (1) The following material is incorporated by reference:

(a) "Renewal Application", December 2008; and

(b) "Renewal Application for Speech-Language Pathology Assistants", January 2000.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Division of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m.

This is to certify that the chair of the Kentucky Board of Speech-Language Pathology and Audiology executes this administrative regulation prior to filing, pursuant to the authority granted by statute, and following a vote of approval by the Board as reflected in the board's minutes. This administrative regulation is filed with the Legislative Research Commission as required by KRS Chapter 13A to carry out and enforce the provisions of KRS Chapter 309. (SPA-2; 1 Ky.R. 1017; eff. 6-11-75; Am. 13 Ky.R. 1620; eff. 4-14-87; 15 Ky.R. 2162; eff. 5-4-89; 21 Ky.R. 65; 915; eff. 8-17-94; 26 Ky.R. 1026; 1524; eff. 1-26-2000; 27 Ky.R. 3323; 28 Ky.R. 1111; eff. 10-17-2001; 35 Ky.R. 1245; 1730; eff. 2-6-09.)

#### **201 KAR 17:041. Professional code of ethics.**

RELATES TO: KRS 334A.180

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.080(3) requires the board to promulgate an administrative regulation that establishes ethical standards of practice. This administrative regulation establishes the code of ethics.

Section 1. Responsibility to Patients. (1) A licensee shall:

(a) Advance and protect the welfare of the patient;

(b) Respect the rights of a person seeking his assistance; and

(c) Make reasonable efforts to ensure that his services are used appropriately.

(2) A licensee shall not:

(a) Exploit the trust and dependency of a patient;

(b)1. Except as provided by subparagraph 2 of this paragraph, engage in a dual relationship with a patient, including a social, business, or personal relationship that may:

a. Impair professional judgment;

b. Incur a risk of exploitation of the patient; or



- c. Otherwise violate a provision of this administrative regulation.
- 2. If a dual relationship cannot be avoided, and does not impair professional judgment, incur a risk of exploitation of the patient, or otherwise violate a provision of this administrative regulation, a licensee shall take appropriate professional precautions to ensure that judgment is not impaired and exploitation of the patient does not occur;
  - (c) Use his professional relationship with a patient to further his own interests;
  - (d) Continue a therapeutic relationship unless it is reasonably clear that the patient is benefiting from the relationship;
  - (e) Fail to assist a person in obtaining other therapeutic services if the licensee is unable or unwilling, for appropriate reasons, to provide professional help;
  - (f) Abandon or neglect a patient in treatment without making reasonable arrangements for the continuation of treatment;
  - (g) Videotape, record, or permit third-party observation of the provision of services without having first obtained written informed consent from the patient;
  - (h) Engage in sexual or other harassment or exploitation of his patient, student, trainee, supervisee, employee, colleague, research subject, or actual or potential witness or complainant in an investigation or ethical proceeding; or
  - (i) Diagnose, treat, or advise on a problem outside the recognized boundaries of his competence.

Section 2. Confidentiality. (1) A licensee shall respect and guard the confidences of each individual patient.

- (2) A licensee shall not disclose a patient confidence except:
  - (a) As mandated, or permitted by law;
  - (b) To prevent a clear and immediate danger to a person;
  - (c) During the course of a civil, criminal, or disciplinary action arising from the therapy, at which the licensee is a defendant; or
  - (d) In accordance with the terms of a written waiver. If the patient is a minor, a parent may provide a waiver.
- (3) A licensee may use patient or clinical materials in teaching, writing, and public presentations if:
  - (a) A written waiver has been obtained in accordance with subsection (2)(d) of this section; or
  - (b) Appropriate steps have been taken to protect patient identity and confidentiality.
- (4) A licensee shall store or dispose of patient records so as to maintain confidentiality.

Section 3. Professional Competence and Integrity. A licensee shall maintain standards of professional competence and integrity and shall be subject to disciplinary action in accordance with KRS 334A.180:

- (1) Upon conviction of a felony, or a misdemeanor related to the practice of the licensee. Conviction shall include adjudication based on:
  - (a) A plea of no contest or an "Alford Plea"; or
  - (b) The suspension or deferral of a sentence.
- (2) If his license or certificate is subject to disciplinary action by another state's regulatory agency that the board determines violates applicable Kentucky state law or administrative regulation;
- (3) Upon a showing of impairment due to mental incapacity or the abuse of alcohol or other substances which negatively impact the licensee's practice;
- (4) If the licensee misrepresented or concealed a material fact in obtaining a license, renewing a license, or reinstating a license;
- (5) If he has refused to comply with an order issued by the board; or
- (6) If he has failed to cooperate with the board by not:
  - (a) Furnishing in writing a complete explanation to a complaint filed with the board;
  - (b) Appearing before the board at the time and place designated; or
  - (c) Properly responding to a subpoena issued by the board.

- Section 4. Responsibility to His Student or Supervisee. A licensee shall:
- (1) Be aware of his influential position with respect to a student or supervisee;
  - (2) Avoid exploiting the trust and dependency of a student or supervisee;
  - (3) Avoid a social, business, personal, or other dual relationship that could:
    - (a) Impair professional judgment; or
    - (b) Increase the risk of exploitation;
  - (4) Take appropriate precautions to ensure that judgment is not impaired and to prevent exploitation if a dual relationship cannot be avoided;
  - (5) Not provide professional services to a:
    - (a) Student;
    - (b) Employee; or
    - (c) Supervisee;
  - (6) Not engage in sexual intimacy or contact with a:
    - (a) Student;
    - (b) Employee; or
    - (c) Supervisee;
  - (7) Not permit a student or supervisee to perform or represent himself as competent to perform a professional service beyond his level of:
    - (a) Training;
    - (b) Experience; or
    - (c) Competence;
  - (8) Not disclose the confidence of a student or supervisee except:
    - (a) If permitted or mandated by law;
    - (b) If it is necessary to prevent a clear and immediate danger to a person;
    - (c) During the course of a civil, criminal, or disciplinary action arising from the supervision, at which the licensee is a defendant;
    - (d) In an educational or training setting, if there are multiple supervisors or professional colleagues who share responsibility for the training of the supervisee; or
    - (e) In accordance with the terms of a written informed consent agreement.

- Section 5. Financial Arrangements. A licensee shall:
- (1) Disclose his fees to a patient and supervisee at the beginning of service;
  - (2) Make financial arrangements with a patient, third-party payor, or supervisee that:
    - (a) Are reasonably understandable; and
    - (b) Conform to accepted professional practices;
  - (3) Not offer or accept payment for a referral; and
  - (4) Represent facts truthfully to a patient, third-party payor, or supervisee regarding services rendered.

- Section 6. Advertising. (1) A licensee shall:
- (a) Accurately represent education, training, and experience relevant to the practice;
  - (b) Not use professional identification, including a business card, office sign, letterhead or telephone or association directory listing, that includes a statement or claim that is false, fraudulent, misleading, or deceptive pursuant to subsection (2) of this section.
- (2) A statement shall be considered false, fraudulent, misleading, or deceptive if it:
- (a) Contains a material misrepresentation of fact;
  - (b) Is intended to or likely to create an unjustified expectation; or
  - (c) Deletes a material fact or information.

**201 KAR 17:070. Complaint procedure.**

RELATES TO: KRS 334A.080(1), 334A.180

STATUTORY AUTHORITY: KRS 334A.080(3)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.180 establishes the causes for which disciplinary action may be taken against a licensee. This administrative regulation establishes procedures for the filing, evaluation, and disposition of an administrative complaint.

Section 1. Definitions. (1) "Chairman" means the chairman or vice-chairman of the board.

(2) "Charge" means a specific allegation contained in a formal complaint, as established in subsection (5) of this section, issued by the board alleging a violation of a specified provision of KRS Chapter 334A; the administrative regulations promulgated thereunder; or any other state or federal statute or regulation.

(3) "Complaint" means a written allegation of misconduct by a credentialed individual or other person which might constitute a violation of KRS Chapter 334A, the administrative regulations promulgated thereunder, or any other state or federal statute or regulation.

(4) "Complaint screening committee" means a committee consisting of three (3) persons appointed by the chairman of the board to review complaints, investigate reports, and to participate in informal proceedings to resolve a formal complaint, and may include the executive director of the board or another staff member.

(5) "Formal complaint" means a formal administrative pleading authorized by the board which sets forth charges against a licensed individual or other person and commences a formal disciplinary proceeding pursuant to KRS Chapter 13B or requests the court to take criminal or civil action.

(6) "Informal proceedings" means the proceedings instituted at a stage of the disciplinary process with the intent of reaching a dispensation of any matter without further recourse to formal disciplinary procedures under KRS Chapter 13B.

(7) "Investigator" means an individual designated by the board to assist the board in the investigation of a complaint or an investigator employed by the Attorney General or the board.

Section 2. Receipt of Complaints. (1) A complaint:

(a) May be submitted by an:

1. Individual;
2. Organization; or
3. Entity;

(b) Shall be:

1. In writing; and
2. Signed by the person offering the complaint; and

(c) May be filed by the board based upon information in its possession.

(2)(a) Upon receipt of a complaint, a copy of the complaint shall be sent to the individual named in the complaint along with a request for that individual's response to the complaint. The individual shall be allowed a period of twenty (20) days from the date of receipt to submit a written response.

(b) Upon receipt of his copy of the written response of the individual named in the complaint, a copy of his response shall be sent to the complainant. The complainant shall have seven (7) days from the receipt to submit a written reply to the response.

Section 3. Initial Review. (1) After the receipt of a complaint and the expiration of the period for the individual's response, the complaint screening committee shall consider the individual's response, complainant's reply to the response, and any other relevant material available and make a recommendation to the board. The board shall determine whether there is enough evidence to warrant a formal investigation of the complaint.

(2) If the board determines before formal investigation that a complaint is without merit, the board shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3) If the board determines that a complaint warrants a formal investigation, the board shall:

- (a) Authorize an investigation into the matter; and
- (b) Order a report to be made to the complaint screening committee at the earliest opportunity.

Section 4. Results of Formal Investigation; Board Decision on Hearing. (1)(a) Upon completion of the formal investigation, the investigator shall submit a report to the complaint screening committee of the facts regarding the complaint.

(b) The committee shall review the investigative report and make a recommendation to the board.

(c) The board shall determine whether:

1. There has been a prima facie violation of KRS Chapter 334A or the administrative regulations promulgated thereunder; and

2. A complaint shall be filed.

(2) If the board determines that a complaint does not warrant issuance of a formal complaint, the board shall:

(a) Dismiss the complaint; and

(b) Notify the complainant and respondent of the board's decision.

(3)(a) If the board determines that a violation has occurred but is not serious, the board may issue a written admonishment to the licensee.

(b) A copy of the written admonishment shall be placed in the permanent file of the licensee.

(c) The licensee shall have the right to:

1. File a response in writing to the admonishment within thirty (30) days of its receipt and have the response placed in his permanent file; or

2. File a request for a hearing with the board within thirty (30) days of the admonishment.

(d) Upon receipt of the request, the board shall set aside the written admonishment and set the matter for hearing pursuant to the provisions of KRS Chapter 13B.

(4) If the board determines that a complaint warrants the issuance of a formal complaint against a respondent, the complaint screening committee shall prepare a formal complaint which states clearly the charge or charges to be considered at the hearing. The formal complaint shall be reviewed by the board and, if approved, signed by the chairman and served upon the individual as required by KRS Chapter 13B.

(5) If the board determines that a person may be in violation of KRS 334A.030(2), the board shall:

(a) Order the individual to cease and desist from further violations of KRS 334A.030(2);

(b) Forward information to the county attorney of the county of residence of the person allegedly violating KRS 334A.030(2) with a request that appropriate action be taken under KRS 334A.990; or

(c) Initiate action in Franklin Circuit Court for injunctive relief to stop the violation of KRS 334A.030(2) pursuant to KRS 334A.990(2).

Section 5. Settlement by Informal Proceedings. (1) The board, through counsel and the complaint screening committee, may, at any time during this process, enter into informal proceedings with the individual who is the subject of the complaint for the purpose of appropriately dispensing with the matter.

(2) An agreed order or settlement reached through this process shall be approved by the board and signed by the individual who is the subject of the complaint and the chairman.

(3) The board may employ mediation as a method of resolving the matter informally.

Section 6. Notice and Service Process. A notice required by KRS Chapter 334A or this administrative regulation shall be issued pursuant to KRS Chapter 13B.

Section 7. Notification. The board shall make public:

- (1) Its final order in a disciplinary action under KRS 334A.180 with the exception of a written admonishment issued pursuant to Section 4(3) of this administrative regulation; and
- (2) An action to restrain or enjoin a violation of KRS 334A.030(2).

**201 KAR 17:090. Continuing education requirements.**

RELATES TO: KRS 334A.170(4)

STATUTORY AUTHORITY: KRS 334A.080(3), 334A.170(4)

NECESSITY, FUNCTION, AND CONFORMITY: KRS 334A.170(4) requires a person applying for licensure renewal to show evidence of completion of continuing professional education as required by the board. This administrative regulation establishes the requirements for continuing education and prescribes methods and standards for the accreditation of continuing education courses.

Section 1. Definitions. (1) "Academic courses offered by an accredited postsecondary institution" means:

(a) A speech-language pathology or audiology course, designated by a speech-language pathology or audiology title or content; or

(b) An academic course, relevant to speech-language pathology or audiology.

(2) "Approved" means recognized by the Kentucky Board of Speech-Language Pathology and Audiology.

(3) "Continuing education hour" means sixty (60) clock minutes of participating in continuing educational experiences.

(4) "Program" means an organized learning experience:

(a) Planned and evaluated to meet behavioral objectives; and

(b) Presented in one (1) session or a series.

(5) "Provider" means an organization approved by the Kentucky Board of Speech-Language Pathology and Audiology for providing a continuing education program.

(6) "Relevant" means having content applicable to the practice of speech-language pathology or audiology as determined by the board.

Section 2. Accrual of Continuing Education Hours. (1) A minimum of fifteen (15) continuing education hours shall be accrued by each person holding licensure as a speech-language pathologist, speech-language pathology assistant or audiologist during the annual period for renewal.

(2) A person who holds a license in both speech-language pathology and audiology shall complete a minimum of twenty-five (25) continuing education hours during the licensure period for renewal for the following year. This person shall obtain continuing education hours in both areas of licensure.

(3) All continuing education hours shall be in or related to the field in which the person is licensed.

(4) Continuing education hours earned in excess of those required under subsection (1) or (2) of this section may be carried over into the immediately following licensure renewal period to the following extent:

(a) A licensee holding one (1) license may carry over five (5) continuing education hours;

or

(b) A licensee holding dual licensure may carry over eight (8) continuing education hours.

(5) A person newly licensed during the license renewal period shall not be required to complete continuing education as a prerequisite for the first renewal of his license.

Section 3. Methods of Acquiring Continuing Education Hours. Continuing education hours applicable to the renewal of the license shall be directly related to the professional growth and development of a speech-language pathologist, speech-language pathology assistant or audiologist.

(1) The hours shall be earned by completing any of the following educational activities:  
(a) Programs not requiring board review and approval. An educational program from any of the following providers shall be deemed to be relevant to the practice of speech-language pathology or audiology and shall be approved without further review by the board if the program is:

1. Sponsored or approved by:
  - a. The American Speech-Language-Hearing Association; or
  - b. The American Academy of Audiology; or
2. An academic course offered by an accredited postsecondary institution directly related to speech-language pathology or audiology. Academic credit equivalency for continuing education hours shall be based on one (1) credit hour equals fifteen (15) continuing education hours;

(b) Programs requiring board review and approval. A program from any of the following sources shall be reviewed and determined if the program is relevant and therefore subsequently approved by the board:

1. A program, including a home study course or in-service training provided by another organization, educational institution, or service provider approved by the board;
2. A program or academic course presented by the licensee. A presenter of a relevant program or academic course shall earn full continuing education credit for each contact hour of instruction, not to exceed one-half (1/2) of the continuing education renewal requirements. Credit shall not be issued for repeated instruction of the same course; or
3. Authoring an article in a relevant, professionally recognized or juried publication. Credit shall not be granted for an article unless the article was published within the one (1) year period immediately preceding the renewal date and a licensee shall not earn more than one-half (1/2) of the continuing education hours required for renewal. More than one (1) publication shall not be counted during a renewal period.

(2) A general education course, elective course, or a course designated to meet degree requirements shall not be acceptable.

(3) Related continuing education subjects which are not specifically a part of the field of speech-language pathology or audiology may be approved for up to two (2) continuing education hours if the board believes that the related areas serve to enhance the licensee's ability to practice. The two (2) hour maximum credit for related areas of study by the licensee shall be applicable to only one (1) license (speech-language pathology or audiology) for those individuals who hold dual licensure.

Section 4. Procedures for Approval of Continuing Education Programs. A course, which has not been preapproved by the board, may be used for continuing education if approval is secured from the board for the course. In order for the board to adequately review a program, the following information shall be submitted:

- (1) A published course or similar description;
- (2) Names and qualifications of the instructors;
- (3) A copy of the program agenda indicating hours of education, coffee and lunch breaks;
- (4) Number of continuing education hours requested;
- (5) Official certificate of completion or college transcript from the sponsoring agency or college; and
- (6) Application to the board for continuing education credits approval.

Section 5. Procedures for Preapproval of Continuing Education Sponsors and Programs.

- (1) Sponsor approval. An entity seeking to obtain approval:
  - (a) Of a continuing education program prior to its offering shall apply to the board at least sixty (60) days in advance of the commencement of the program, and shall provide the information required in Section 4 of this administrative regulation; or

(b) As a prior-authorized continuing education provider under Section 3(1)(a) of this administrative regulation shall satisfy the board that the entity seeking this status:

1. Consistently offers programs which meet or exceed all the requirements set forth in subsection (2) of this section; and

2. Does not exclude a licensee from its programs.

(2) A continuing education activity shall be qualified for approval if the board determines the activity being presented:

(a) Is an organized program of learning;

(b) Pertains to subject matters, which integrally relate to the practice of speech-language pathology or audiology;

(c) Contributes to the professional competency of the licensee; and

(d) Is conducted by individuals who have educational training or experience acceptable to the board.

Section 6. Responsibilities and Reporting Requirements of a Licensee. (1) During the licensure renewal period, up to fifteen (15) percent of all licensees shall be selected at random by the board and required to furnish documentation of the completion of the appropriate number of continuing education hours. Verification of continuing education hours shall not otherwise be reported to the board;

(2) A licensee shall:

(a) Be responsible for obtaining required continuing education hours;

(b) Identify his own continuing education needs and seek activities that meet those needs;

(c) Seek ways to integrate new knowledge, skills and attitudes;

(d) Select approved activities by which to earn continuing education hours;

(e) Submit to the board, if applicable, a request for approval for continuing education activities not approved as required in Section 3(1) of this administrative regulation;

(f) At the time of renewal, list the continuing education hours obtained during that licensure renewal period;

(g) Document attendance, participation in, and successful completion of continuing education activity for a period of one (1) year from the date of the renewal; and

(h) Maintain records of continuing education hours.

(3) The following items shall be used to document continuing education activity:

(a) Transcript;

(b) Certificate;

(c) Affidavit signed by the instructor; or

(d) Receipt for the fee paid to the sponsor;

(4) Failure to comply with the provisions of this administrative regulation shall constitute a violation of KRS 334A.170(4) and shall result in:

(a) Refusal to renew licensure;

(b) Suspension of licensure; or

(c) Revocation of licensure;

(5) Documentation sent to the board prior to renewal shall be returned to the licensee by regular mail.

Section 7. Responsibilities and Reporting Requirements of Providers and Sponsors. (1) A provider of continuing education not requiring board approval shall be responsible for providing documentation, as established in Section 5(2) of this administrative regulation, directly to the licensee.

(2) A sponsor of continuing education requiring board approval shall be responsible for submitting a course offering to the board for review and approval before listing or advertising that offering as approved by the board.

Section 8. Board to Approve Continuing Education Hours; Appeal of Denial. (1) If an application for approval of continuing education hours is denied, in whole or part, the licensee shall have the right to appeal the board's decision.

(2) An appeal shall be:

- (a) In writing;
- (b) Received by the board within thirty (30) days after the date of the decision denying approval of continuing education hours; and
- (c) Conducted in accordance with KRS Chapter 13B.

Section 9. Waiver or Extensions of Continuing Education. (1) On application, the board shall grant a waiver of the continuing education requirements or an extension of time within which to fulfill the requirements in the following cases:

- (a) Medical disability of the licensee;
  - (b) Illness of the licensee or an immediate family member; or
  - (c) Death or serious injury of an immediate family member.
- (2) A written request for waiver or extension of time involving medical disability or illness shall be:
- (a) Submitted by the person holding licensure; and
  - (b) Accompanied by a verifying document signed by a licensed physician.
- (3) A waiver of or extension of time within which to fulfill the minimum continuing education requirements shall not exceed one (1) year.
- (4) If the medical disability or illness upon which a waiver or extension has been granted continues beyond the period of the waiver or extension, the person holding licensure shall reapply for the waiver or extension.

Section 10. Continuing Education Requirements for a Person on Inactive Status or Holding Interim Licensure. (1) The continuing education requirements established in Section 2 of this administrative regulation shall be waived for a licensee on inactive status during the time period he remains inactive. A person on inactive status who requests reactivation shall meet the requirements of Section 11 of this administrative regulation.

(2) The continuing education requirements established in Section 2 of this administrative regulation shall not apply to a person holding interim licensure.

Section 11. Continuing Education Requirements for Reinstatement or Reactivation of Licensure. (1) A person requesting reinstatement or reactivation of licensure shall submit evidence of fifteen (15) hours of continuing education within the twelve (12) month period immediately preceding the date on which the request for reinstatement or reactivation is submitted to the board.

(2) If the person seeking reinstatement or reactivation does not meet the requirement established in subsection (1) of this section, the board shall reinstate or reactivate licensure, and the person shall obtain fifteen (15) hours of continuing education within six (6) months of the date on which licensure is reinstated.

(3) The continuing education hours received in compliance with this section shall be in addition to the continuing education requirements established in Section 2 of this administrative regulation and shall not be used to comply with the requirements of that section.

**201 KAR 17:100. Clinical practice by licensed speech-language pathologists and audiologists in the area of minor training.**

RELATES TO: KRS 334A.030

STATUTORY AUTHORITY: KRS 334A.080

NECESSITY, FUNCTION, AND CONFORMITY: This administrative regulation delineates the authority of licensees to practice in the area of minor training.

Section 1. For purposes of this administrative regulation the area of minor training for speech-language pathologists shall be defined as "audiology;" and the area of minor training for audiologists shall be defined as "speech-language pathology."

Section 2. In the course of clinical practice, licensed speech-language pathologists may engage in audiometric screening and licensed audiologists may engage in speech-language screening under the following guidelines:



(1) Licensed speech-language pathologists shall restrict their practice in audiology to the performance and/or supervision of pure tone air conduction screening, screening tympanometry, and acoustic reflex screening either for the purpose of performing a speech and/or language evaluation or for the purpose of initial identification of individuals with other communicative disorders. Judgments and descriptive statements about the results of these procedures shall be limited to whether the individual passed or failed the screening procedure. The criteria for failure of audiometric screening should be developed in consultation with a licensed audiologist. Licensed speech-language pathologists may provide aural habilitative and rehabilitative services.

(2) Licensed audiologists shall restrict their practice in speech-language pathology to the performance and/or supervision of speech and/or language screening for the purpose of performing an audiological evaluation or for the purpose of initial identification of individuals with other communicative disorders. Judgments and descriptive statements about the results of these procedures shall be limited to whether the individual passed or failed the screening procedure. The criteria for failure of speech-language screening should be developed in consultation with a licensed speech-language pathologist. Licensed audiologists may provide aural habilitative and rehabilitative services.